

STATE OF MICHIGAN
COURT OF APPEALS

In re A. HARRIS, Minor.

UNPUBLISHED
February 9, 2016

No. 328208
Macomb Circuit Court
Family Division
LC No. 2012-000404-NA

Before: CAVANAGH, P.J., and RIORDAN and GADOLA, JJ.

PER CURIAM.

Respondent appeals as of right the order terminating her parental rights to her minor daughter under MCL 712A.19b(3)(c)(i) (conditions that led to adjudication continue to exist), (g) (failure to provide proper care and custody), and (j) (reasonable likelihood of harm). We affirm.

Respondent argues that the trial court erred when it terminated her parental rights because a statutory ground for termination was not established by clear and convincing evidence. We disagree.

To terminate parental rights, the trial court must find at least one of the statutory grounds listed in MCL 712A.19b(3) has been established by clear and convincing evidence. *In re Olive/Metts Minors*, 297 Mich App 35, 40; 823 NW2d 144 (2012). We review “for clear error the trial court’s factual findings and ultimate determinations on the statutory grounds for termination.” *In re White*, 303 Mich App 701, 709; 846 NW2d 61 (2014). A decision is clearly erroneous if, although supported by evidence, this Court is left with a definite and firm conviction that a mistake was made. *Id.* at 709-710.

In this case, the trial court did not err in concluding that clear and convincing evidence supported termination of respondent’s parental rights under MCL 712A.19b(3)(c)(i), which is permitted if at least 182 days elapsed since an initial dispositional order and it was established by clear and convincing evidence that the “conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child’s age.” This matter had been pending for well over 182 days and was initiated in November 2012 because of respondent’s mental health, improper supervision of the child, and inadequate housing. The goals identified for respondent through these proceedings included that respondent was to obtain a psychological evaluation, attend individual therapy, attain emotional stability, attend parenting classes, complete a domestic violence program, secure stable housing, provide proof of income, resolve her legal issues, and visit the child.

Most of the goals for respondent were never attained. Eventually respondent was diagnosed with bipolar disorder and schizophrenia, but she did not take her prescribed medications. In fact, she denied having schizophrenia. Respondent refused to attend individual therapy or counseling sessions, and did not attain emotional stability. In fact, the foster care worker testified that respondent told her that she has a lady in her head telling her “that bad things are going to happen.” On a couple of occasions, respondent even notified petitioner that she did not wish to visit the child or receive any more services and exhibited very erratic behaviors. While respondent attended some parenting classes, the evidence showed that she did not benefit from them. Her visits with the child were sporadic and she failed to have meaningful interactions with the child. Respondent did not secure stable housing and actually became homeless during these proceedings. She also did not resolve her legal issues and had outstanding fines and court costs. In fact, she was incarcerated for domestic violence during these proceedings, although she had completed a domestic violence program.

In light of the record evidence, the trial court did not clearly err when it concluded that clear and convincing evidence supported termination of respondent’s parental rights under MCL 712A.19b(3)(c)(i). The conditions leading to adjudication continued to exist with no reasonable likelihood that they would be remedied within a reasonable time considering the child’s age. Because only one statutory ground must be established by clear and convincing evidence, *In re HRC*, 286 Mich App 444, 461; 781 NW2d 105 (2009), we need not address whether the trial court clearly erred in finding that MCL 712A.19b(3)(g) and (j) were established; nevertheless, we conclude that the trial court did not clearly err in that regard.

Respondent also argues that the trial court erred when it concluded that termination was in the child’s best interests. After review for clear error, we disagree. See *In re Jones*, 286 Mich App 126, 129; 777 NW2d 728 (2009).

A trial court must order termination of parental rights if a statutory ground for termination is established by clear and convincing evidence and the trial court finds by a preponderance of the evidence that termination is in the child’s best interests. *In re Moss*, 301 Mich App 76, 90; 836 NW2d 182 (2013). In making that determination, the court may consider a variety of factors, such as: the parent’s history, parenting ability, and compliance with her case service plan; the child’s age and bond to the parent; the child’s safety and well-being; the foster care environment; and the child’s need for permanency, stability, and finality. *In re White*, 303 Mich App at 713, quoting *In re Olive/Metts*, 297 Mich App at 41-42; *In re VanDalen*, 293 Mich App 120, 141; 809 NW2d 412 (2011).

Here, the trial court held that termination of respondent’s parental rights was in the child’s best interests because respondent “failed to demonstrate an ability to care for, protect, and raise” the child. The trial court also contrasted the child’s lack of bond with respondent with the fact that she was “thriving in her licensed foster home.” These findings are clearly supported by the record evidence as discussed above. Respondent made little to no progress in addressing her numerous issues that would have enabled her to provide the child with adequate, necessary, and safe care. There was also evidence that the child had behavioral problems during the time that parenting time visits were ongoing, but improved once visits with respondent ceased. The evidence further showed that the child was doing very well in her foster placement and was

bonding to her foster family. The trial court did not clearly err in finding that termination of respondent's parental rights was in the child's best interests.

Affirmed.

/s/ Mark J. Cavanagh

/s/ Michael J. Riordan

/s/ Michael F. Gadola